



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

1 1995

RCRA COMPLIANCE EVALUATION INSPECTION REPORT

**WESTATES CARBON-ARIZONA, INCORPORATED
EPA ID NO.: AZD 982 441 263**

Date of Inspection: March 9, 1995

Location: 2523 Mutahar Street
Parker, Arizona
85344

EPA Inspectors: Diane Bodine
Waste Compliance Branch
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Site Representative: Monte McCue
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Colorado River Indian
Tribes Representative: Conner M. Byestewa, Jr
Environmental Protection
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Report Prepared By: John R. Moody

Background

Westates Carbon (AZD982441263) is an operating commercial carbon reactivation facility located in the Colorado River Indian Tribes (CRIT) Industrial Park at Parker, Arizona.

On April 30, 1991 Westates submitted a Notification of Regulated Waste Activity (EPA Form 8700-12) as a "Treater, Storer, Disposer" of RCRA Hazardous Waste, and was issued its EPA Identification number.

On August 12, 1991 WESTATES submitted a Part A Permit Application. Westates qualifies for interim status as an existing facility, having submitted a Part A Permit Application prior to August 21, 1991, per 56 FR 7186, Part VIII, A, (1). WESTATES also qualifies as an existing facility having met the requirements detailed in 40 CFR, Part 266.103 (a)(1)(ii) for facilities under construction. The BIF rule does not apply to this facility.

Revised Part A's were submitted on September 4, 1992; November 30, 1992; and January 4, 1994. The January 4, 1994 Part A identifies the following units in operation:

S01 (storage in containers)
S02 (storage in tanks)
T04 (other treatment)

The Part B Permit Application was submitted to EPA on January 12, 1995. A Final Permit has not yet been issued.

Summary of Previous Compliance Evaluation Inspections (CEI)

On August 17, 1993, EPA conducted a RCRA CEI that was the first conducted at the site. A number of violations were determined and resulted in a Compliance Order being issued in the form of a civil administrative enforcement action. The eleven counts cited in the order were:

1. Failure to properly label and date containers of RCRA Hazardous Waste;
2. Waste Analysis Plan deficiencies;
3. Failure to follow Waste Analysis Plan;
4. Failure to remedy problems discovered during inspections in a timely manner;
5. Failure to operate in a way that minimizes the possibility of a hazardous waste release;

6. Contingency Plan deficiencies;
7. Operating Record deficiencies;
8. Failure to obtain tank assessments;
9. Failure to maintain secondary containment for tanks free of cracks and gaps.

The facility is still in negotiation with EPA concerning the compliance order, but has already resolved all of the noted deficiencies.

On March 15, 1994 Science Applications International Corporation (SAIC), under contract with EPA, conducted a RCRA CEI at WESTATES. One potential violation was found; The personnel training records did not include a job description for the position of Environmental, Health and Safety Manager.

On September 8, 1994 SAIC under contract with EPA conducted a RCRA CEI at WESTATES. No potential violations were observed during that inspection. However, the inspector's assumption that WESTATES had been given an extension for the late submittal, June 2, 1994, of its 1993 Biennial Report (due March 1, 1994) by EPA Region IX is incorrect. The September 8, 1994 inspection report states that "Since Westates was not provided a copy of the report form from EPA until late February 1994, Westates had been granted an extension by Ms. Rebecca Smith of EPA Region IX. Therefore, Westates appears to be in compliance in regards to submittal of its Biennial Report." A follow-up with Rebecca Smith revealed that she had not granted an extension and that it was not EPA, Region 9, policy to grant individual facility extensions.

Investigation

On March 9, 1995 a CEI was conducted by inspectors from US EPA Region IX. The facility was evaluated under 40 CFR 261, 262, 268, and 265. Mr. Monte McCue escorted the inspectors during all aspects of the inspection. Mr. Connor Byestewa (CRIT) was present during portions of the CEI and during the entire out-briefing.

Site Inspection (attachment 1 - Site Plan)

Concrete Containment Pad

This Concrete pad (44'-139'-4") is located on the northwest end of the Covered Container Storage Area. It is used for the loading and off-loading of RCRA Hazardous Waste on/from trucks. Spent carbon drums are off-loaded here and moved directly into the **Covered Container Storage Area**. Additionally, the pad holds a bin for less than 90-day storage of hazardous waste debris

generated on-site, such as contaminated rags, contaminated spill cleanup materials, Tyvek, booties, gloves, contaminated wooden pallets, etc. (attachment 2 - photos, # 1) (Hazardous Waste Label start date 1/30/95). This bin is transported off-site at least every 90 days for disposal. **No violations found.**

Covered Container Storage Area

The container storage area is used to store RCRA regulated hazardous spent carbon waste in drums and to store non-hazardous reactivated carbon product. The specific hazardous waste and product areas are clearly and physically separated. The hazardous waste storage side has a sump system that collects any spills or wash waters which then are pumped into the treatment process. **No violations found.**

Control Room

This control room is used to monitor/coordinate all activity by computer. **No violation found.**

Laboratory

This on-site laboratory is used to analyze samples of incoming waste carbon. Samples are maintained at this location for less than 30 days. **No violations found.**

Outer Yard

The outer yard adjacent to the back fence (northeast) line is used to store triple rinsed spent carbon containers. (attachment 2 - photos, # 2) No hazardous waste activity was indicated in the areas outside of the loading, storage, and process areas. **No violations found.**

Document Review

Manifests and Land Disposal Restrictions

All manifests and land disposal restriction notification (LDR) forms inspected appeared correct with no deficiencies noted.

Waste Analysis Plan

Appeared complete with no deficiencies.

Contingency Plan

Appeared complete with no deficiencies.

Training Records

Training records for several employees were reviewed. It was noted that one employee, Mr. Kenny Moore, had received his initial 40 hour HAZWOPER training on 7/27/92 with 8 hour refresher training on 9/1/93 and 9/24/94. The facility should ensure that its employees receive their refresher training within one year of the initial and subsequent training.

Facility Inspection Logs

Appeared complete with no deficiencies.

Financial Assurance

Was present and appeared adequate.

Biennial Report

The 1993 Biennial Hazardous Waste Report was present for inspection. However it was dated June 2, 1994 and had not been submitted to EPA by March 1, 1994. (attachment 3 - Biennial Report IC Form) Mr. McCue indicated that there had been confusion over submission of the report and that the individual who had prepared it no longer worked for the company. He also indicated that he was aware that it had been submitted late.

The inspection report for the September 8, 1994 SAIC conducted CEI of WESTATES also identified that the 1993 Biennial Hazardous Waste Report was submitted late, but also indicates that the facility had been granted an extension by Ms. Rebecca Smith of EPA Region IX. Follow-up with Rebecca Smith (then Acting Section Chief responsible for the Region IX Biennial Report Program) reveals that she did not grant an extension to WESTATES and that it was not the policy of EPA to grant individual extensions.

A review of the 1993 Biennial Report on-site revealed that the following required information on **FORM GM** for "Hazardous Debris" had not been accurately reported (attachment 4 - Biennial Report GM Form):

- The report failed to accurately identify the quantity of RCRA hazardous waste generated or the unit measured. (Section II, Blocks B & C) The report indicated that no (0) amount of waste was generated, yet Monte McCue indicated during the inspection that waste had been generated and shipped to an off-site TSDF. The facility's subsequent (April 11, 1995) Amended Biennial Report submission now reports that 30,000 lbs. of hazardous debris were generated. (attachment 6 -

amended Biennial Report)

The "U.S. EPA 1993 Hazardous Waste Report **INSTRUCTIONS AND FORMS**" (EPA Form 8700-13A/B (5-80) (8-93) (OMB#: 2050-0024 Expires: 8/31/96) pages 3, 4, and 5 clearing indicates that the information was required. (attachment 5 - Instructions And Forms)

Potential Violations

1. **Failure to submit to EPA the 1993 RCRA Biennial Hazardous Waste Report by March 1, 1994. The report was not submitted to EPA until June 2, 1994. (attachment 3 - 1993 Biennial Report IC Forms) (Form IC, Section IV, Block D)**


40 CFR 265.75

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. The biennial report must be submitted on EPA form 8700-13B. The report must cover facility activities during the previous calendar year.

2. **Failure to accurately report the quantity or change from previous generation quantities of RCRA hazardous waste generated in 1993. The facility reported no (0) hazardous waste generated. (attachment 4 - 1993 Biennial Report GM Forms) (Form GM, Section II, Block B & C)**

40 CFR 262.41 (a) (7)

A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.



John R. Moody
Compliance and Enforcement Officer

Attachments

- 1) Site Plan
- 2) Photos
- 3) 1993 Biennial Report IC Forms
- 4) 1993 Biennial Report GM Form
- 5) Biennial Report Instructions And Forms
- 6) Amended Biennial Report